

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JEAN C. FIGUEROO
:
Plaintiff, : Civil No.:
:
-against- :
:
PORTX INC. and SANTIAGO GRAVERAN : **NOTICE OF REMOVAL**
:
Defendants. : **TRIAL BY JURY**
:
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TO: **THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE, that defendants, PORTX INC. and SANTIAGO GRAVERAN, by and through their attorneys, Donohue Law Firm PC, hereby remove this action, pursuant to 28 U.S.C. Sec. 1332(a), 1441 and 1446 to the United States District Court for the Southern District of New York. In support of this Notice of Removal, PORTX INC. and SANTIAGO GRAVERAN state the following:

1. On January 17, 2022, plaintiff commenced an action in the Supreme Court of the State of New York, Bronx County, captioned JEAN C. FIGUEROO v. PORTX INC. and SANTIAGO GRAVERAN, Index No. 800749/2022E. A true and correct copy of the Summons and Complaint is attached as **Exhibit 1**.

2. The Summons and Complaint asserts claims against defendants, PORTX INC. and SANTIAGO GRAVERAN, for alleged negligence with regard to a motor vehicle accident on October 12, 2021.

3. On April 5, 2022, PORTX INC. and SANTIAGO GRAVERAN filed an Answer to the Complaint, a true and correct copy of which is attached as **Exhibit 2**.

4. This Notice of Removal is being filed in the United States District Court for the Southern District of New York, the district in which the case is pending.

5. This Notice of Removal is being filed within thirty (30) days of defendants' receipt, on or about June 24, 2022, of the plaintiff's Response to defendants' Demand for Statement of Damages dated June 24, 2022 and attached as **Exhibit 3** as required by 28 U.S.C. 1446 (b) (3).

6. This Court has original jurisdiction over this action under 28 U.S.C. 1332 (a) (1), because this is an action between citizens of different States, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

DIVERSITY OF CITIZENSHIP

7. The Complaint alleges that plaintiff's place of residence was at all relevant times Bronx County, New York, thereby making her citizen of the State of New York for diversity purposes. *See, Diego Beekman Mut. Hous. Ass'n Hous. Dev. Fund Corp. Hdgc v. Dish Network, L.L.C.*, No. 15 Civ.1094, 2016 WL 1060328, at * 7 (S.D.N.Y.Mar. 15, 2016) (“[A]n individual's residence at the time a lawsuit is commenced provides prima facie evidence of his domicile'- which in turn determines citizenship.” (quoting *Willis v. Westin Hotel Co.*, 651 F. Supp. 598, 601 (S.D.N.Y. 1986))).

8. The Plaintiff, JEAN C. FIGUEROO was an is a New York resident, residing at 1560 Grand Concourse, Apt. #518, Bronx, New York.

9. The defendant SANTIAGO GRAVERAN was and is a New Jersey resident, residing at 428 Northwood Way, Palisades Park, New Jersey.

10. The defendant PORTX INC. was and is a New Jersey corporation with its principal place of business in New Jersey.

11. Plaintiff is a New York citizen and defendants are New Jersey citizens. As a result, the parties are completely diverse pursuant to 28 U.S.C. 1332 (a).

AMOUNT IN CONTROVERSY

12. Diversity jurisdiction under 28 U.S.C. 1332 also requires that the amount in controversy exclusive of interest and costs, be in excess of \$75,000.

11. The Statement of Damages claims One Million Dollars (\$1,000,000.00) in damages. See **Exhibit 3**.

12. Complete diversity exists between plaintiff, a citizen of New York and defendants, PORTX INC. and SANTIAGO GRAVERAN, citizens of New Jersey, and the amount in controversy exceeds \$75,000. Accordingly, this Court has original jurisdiction over this action under 28 U.S.C. 1332 (a).

13. PORTX INC. and SANTIAGO GRAVERAN will provide plaintiff with prompt written notice of the filing of this Notice of Removal as required by 28 U.S.C. 1446 (d) and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Bronx, where the Complaint was originally filed.

WHEREFORE, PORTX INC. and SANTIAGO GRAVERAN request that this action be removed from the Supreme Court of the State of New York, Bronx County, to the United States District Court for the Southern District of New York.

Dated: June 28, 2022

BY: s/ Robert D. Donohue
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EXHIBIT 1

EXHIBIT 2

EXHIBIT 3